

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) C.A. No. 20-1744-CFC
)
WALMART INC. AND WAL-MART)
STORES EAST, LP,)
)
Defendant.)
)

**STIPULATION AND [PROPOSED] ORDER AUTHORIZING DISCLOSURE OF
DELAWARE PRESCRIPTION MONITORING PROGRAM DATA**

The Delaware Office of Controlled Substances (“Delaware OCS”) and Defendants Walmart Inc. and Wal-Mart Stores East, LP (together, “Walmart”), pursuant to the Protective Order, paragraph 86, (D.I. 88) in the above-captioned action (this “Litigation”), respectfully submit this Stipulation and Proposed Order Authorizing Disclosure of Delaware Prescription Monitoring Program Data.

WHEREAS, the Delaware OCS maintains Delaware’s Prescription Monitoring Program, an electronic system to collect and store controlled-substance dispensing information for the state of Delaware (“PMP Database”).

WHEREAS, Walmart served a subpoena on the Delaware OCS on October 29, 2024, requesting, among other information, certain PMP Database records.

WHEREAS, it is the Delaware OCS’s position that Delaware law requires an Order from this Court to permit the disclosure of PMP Database records. *See* 16 Del. C. § 4798(k)-(l).

WHEREAS, the Delaware OCS and Walmart recognize that the PMP Database records may require specific handling and designation under the Protective Order.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court's authority under Fed. R. Civ. P. 26(c), that:

1. The Delaware OCS shall, consistent with the Protective Order, produce all PMP Database records for prescriptions written by Patrick Titus (DE CSR # MD3949).
2. The Delaware OCS shall, consistent with the Protective Order, produce all PMP Database records for prescriptions dispensed at pharmacies located at the Department of Veterans Affairs Medical Center in Wilmington and the Dover Air Force Base between June 26, 2013, and February 1, 2024, to the extent available.
3. The Delaware OCS shall produce the aforementioned PMP Database records with all available data fields except patient name, birthdate, and address, which will be replaced by a unique patient identifier, birth year, and zip code.
4. If a patient appears in more than one of the foregoing PMP Database record sets, the Delaware OCS shall assign the same unique identifier to that patient across all record sets.
5. This stipulation does not waive any party's right to seek or oppose the production of additional PMP Database records or fields.
6. In accordance with the Protective Order, the Delaware OCS shall designate PMP Database records as "Highly Confidential – Protected Health Information."

/s/ Eileen Kelly

Eileen Kelly
Deputy Attorney General
Delaware Department of Justice
102 West Water Street
Dover, DE 19904
(302) 366-1927
eileen.kelly@delaware.gov

*Counsel for Delaware Office of
Controlled Substances*

/s/ Kelly E. Farnan

Robert W. Whetzel (#2288)
Kelly E. Farnan (#4395)
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
whetzel@rlf.com
farnan@rlf.com

*Attorney for Defendants Walmart Inc.
and Wal-Mart Stores East, LP*

Dated: May 12, 2025

SO ORDERED this _____ day of _____, 2025.

Honorable Eleanor G. Tennyson
United States Magistrate Judge